IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11581 of 1999

Between:

M.R. Krishna s/o Narayana
Sangareddy Bus Depot, Kondapur,
Medak Dist.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C.. Sangareddy Bus Depot, Sangareddy, Medak Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ Order or direction particularly one in the nature of Writ of mandamus declaring the action of the respondent for deleting the name of the petitioner from the list as illegal, arbitrary, unjust, violative of principles of natural justice & consequently quash the office order Dt: 29-4-1999 and pass such other order or orders.

Counsel for the Petitioner:MR.SARIKONDA RAMAKRISHNA

Counsel for the Respondent No.: MR.K.HARINATH

The Court made the following :

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O R D E R :

The petitioner, who is a casual conductor working in Sangareddy Depot, questions the office order dated 29-04-1999, issued by the Depot Manager, A.P.State Road Transport Corporation,(APSRTC) Sangareddy, in deleting his name from the approved list of Grade-II Conductors on daily wage basis, on the ground that he is unsuitable for regular appointment.

It is the case of the petitioner that he was selected to the post of Grade-II conductor on daily wage basis. On 15-04-1999, the respondent-corporation has conducted a check , while the petitioner was conducting the bus on the route Sadasivapet to Atmakoor and found that the petitioner has failed to issue tickets to a batch of five passengers. In view of the same, a show cause notice No.02/95/99-DM:SRD, dated 21-04-1999, was issued by the Depot Manager, Sangareddy, to the petitioner for which the petitioner has submitted his explanation denying the allegations made against him and requested the authorities not to delete his name from the approved list. But without conducting any regular enquiry final orders have been passed deleting his name from list of conductors.

A counter affidavit has been filed admitting the fact that no detailed enquiry has been conducted. It is stated that the name of the petitioner was deleted only after giving an opportunity by way of show cause notice. The issue raised in this writ petition is squarely covered by the Judgment of this Court in W.P.No.401 of 2000, dated 22-06-2000, wherein, it was held that whenever the charges have been levelled against such casual employees, and if such charges are denied, it is imperative for the respondent-corporation to conduct an enquiry. In the said writ petition it is contended by the learned counsel for the respondents

that the Corporation Rules do not contemplate an enquiry with respect to daily wage workers, but such contention has also negatived and held that even such orders passed without conducting enquiry cannot be sustained.

Following the same, this writ petition is allowed and the office order dated 29-04-1999, issued by the Depot Manager, A.P.S.R.T.C. Sangareddy is set aside. However, the respondents are at liberty to proceed in the matter in accordance with law, if they so desire. No order as to costs.

To

1. The Depot Manager, A.P.S.R.T.C., Sangareddy Bus Depot, Sangareddy, Medak District.

2. 2 CD copies.